

Kansas Corporation Commission

Commission Meeting

December 14, 2017

10:00 a.m.

KCC Offices, Conservation Division,
266 N. Main Street, Suite 220, Wichita, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on December 14, 2017 in the Conservation Division hearing room of the Kansas Corporation Commission, 266 N. Main Street, Wichita, Kansas.

Present: Chairman Apple and Commissioner Albrecht. Commissioner Emler was not in attendance. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Items on the Consent Agenda dated December 14, 2017 containing pages one through three and are attached to these Minutes. Chairman Apple seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 17-CONS-3516-CUNI**

In the Matter of the Application of Lario Oil & Gas Company for an order authorizing the unitization and unit operations of the Feiertag Unit in Scott County, Kansas.

Commissioner Albrecht moved for approval of order #17-3870 – *Order on Petition for Reconsideration*. Chairman Apple seconded the motion.

The motion was approved.

3. **Discussion/Presentation Item(s):**

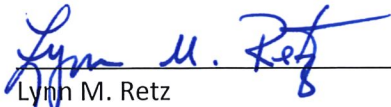
Docket No. 17-TRAM-060-GIV

Roll Call Vote on Proposed Temporary Regulation Change

Roll call vote was taken for the approval of the temporary regulation change of K.A.R. 82-4-3a. Chairman Apple and Commissioner Albrecht voted “yes” and Commissioner Emler was not present for the vote. The Certificate of Adoption reflecting the votes with the Economic Impact Statement and proposed changes are attached to these minutes.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Chairman Apple seconded the motion. The motion was approved. The Commission adjourned the December 14, 2017 Commission Meeting at 10:06 a.m.

Respectfully submitted,



Lynn M. Retz
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner

Absent

Jay Scott Emler, Commissioner

KANSAS CORPORATION COMMISSION

CERTIFICATE OF ADOPTION

I hereby certify that the Kansas Corporation Commission, by roll call vote of the required majority of Commissioners, adopted the following regulation as a temporary regulation on the 14th day of December 2017.

K.A.R. 82-4-3a

This regulation is hereby filed for adoption, and the Economic Impact Statement is enclosed.

Roll Call Vote:

<u>Person</u>	<u>KCC Position</u>	<u>Vote</u>
Pat Apple	Chairman	<u>yes</u>
Shari Feist Albrecht	Commissioner	<u>yes</u>
Jay Emler	Commissioner	<u>absent</u>

Lynn M. Retz
Lynn M. Retz
Secretary to the Commission

14 December 2017
Date

**KANSAS CORPORATION COMMISSION
ECONOMIC IMPACT STATEMENT
K.A.R. 82-4-3a**

I. Summary of Proposed Regulation, including Its Purpose.

This existing regulation adopts relevant portions of the Federal Motor Carrier Safety Administration ("FMCSA") regulations (49 C.F.R. Part 395) which establish the hours of service requirements for commercial motor vehicle drivers. The proposed amendments to this regulation include language that adopts the new federal requirement of electronic logging devices for certain carriers. The remaining changes include edits to reflect minor grammatical and form corrections and recent updates to FMCSA regulations. The amendments to this regulation are proposed on both a temporary and permanent basis.

II. Reason or Reasons the Proposed Regulation is Required, including whether or not the Regulation is Mandated by Federal Law and whether or not the Regulation Exceeds the Requirements of Applicable Federal Law.

In addition to minor grammatical and form updates, the proposed amendments to this regulation adopt the current federal regulation requiring the use of electronic logging devices ("ELDs") in 49 C.F.R. 395.20. This change is mandated by federal law as part of a national movement to require more accurate hours of service records by carriers. The proposed amendments do not exceed the requirements of applicable federal law.

III. Environmental Benefit Statement.

The Transportation Division of the Commission does not anticipate a direct environmental benefit on the industry, agency, other governmental agencies, or the general public.

IV. Anticipated Economic Impact.

The Transportation Division of the Commission anticipates an initial cost to install and maintain the Electronic Logging Devices, but is unable to put a specific dollar figure on this impact. The use of electronic logging devices is a change that the motor carrier industry has been preparing for nationally over several years and for the sake of maintaining consistency of enforcement among states and limiting confusion within the industry, the Commission is adopting the federal rule. This will allow the Kansas Highway Patrol to enforce the regulations in the manner uniform with other states.

V. Description of Less Costly Methods Considered Addressing this Issue.

The proposed amendments do not change the hours of service rules or exemptions that are currently in effect, but make tracking and reporting those numbers more effective. Adopting the section on electronic logging devices is the least costly method to the state because failing to adopt this regulation puts Kansas out of step with the national movement towards use of ELDs and jeopardize federal funds.

VI. Report on Public Hearing and Comments on Proposed Administrative Regulations.

This section will be updated after the regulations have been presented to the Joint Committee on Administrative Rules and Regulations and the scheduled public hearing.

82-4-3a. Hours of service. (a)(1) With the following exceptions, 49 C.F.R. Part 395, as in effect on October 1, 2013 2015 and as amended by 80 fed. reg. 78383-78416 (2015), excluding appendix A to subpart B, and 81 fed. reg. 47721-47722 (2016), is hereby adopted by reference:

~~(1)(A)~~ The following revisions shall be made to 49 C.F.R. 395.1:

~~(A)(i)~~ 49 C.F.R. 395.1(a)(2) shall be deleted.

~~(B)~~ The following revisions shall be made to paragraph (b):

~~(i)(ii)~~ In paragraph (b), the phrase “Except as provided in paragraph (h)(2) of this section,” shall be deleted.

~~(ii)~~ The phrase “§ 395.2” shall be deleted and replaced by “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

~~(iii)~~ The phrase “§§ 395.3(a) or 395.5(a)” shall be deleted and replaced by “49 C.F.R. 395.3(a) as adopted by K.A.R. 82-4-3a or 49 C.F.R. 395.5(a) as adopted by K.A.R. 82-4-3a” in both instances.

~~(C)~~ In paragraph (c), the phrase “§ 395.3(b)” shall be deleted and replaced by “49 C.F.R. 395.3(b) as adopted by K.A.R. 82-4-3a.”

~~(D)~~ The following revisions shall be made to paragraph (d)(2):

~~(i)~~ The phrase “§§ 395.8 and 395.15” shall be deleted and replaced with “49 C.F.R. 395.8 and 395.15 as adopted by K.A.R. 82-4-3a.”

~~(ii)~~ The phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

~~(iii)~~ The phrase “§ 395.1(e)(1)” shall be deleted and replaced with “49 C.F.R. 395.1(e)(1) as adopted by K.A.R. 82-4-3a.”

~~(E) The following revisions shall be made to paragraph (e):~~

~~(i) In paragraph (e)(1), the phrase “§ 395.8” shall be deleted and replaced by “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.”~~

~~(ii) In paragraph (e)(1)(iv)(A), the phrase “§ 395.3(a)(3)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3) as adopted by K.A.R. 82-4-3a.”~~

~~(iii) In paragraph (e)(1)(v)(D), the phrase “§ 395.8(j)(2)” shall be deleted and replaced by “49 C.F.R. 395.8(j)(2) as adopted by K.A.R. 82-4-3a.”~~

~~(iv) In paragraph (e)(2), the phrase “§ 395.3(a)(2) and § 395.8” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a and 49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a,” and the phrase “§ 395.1(e)(1), (g) and (o)” shall be deleted and replaced by “49 C.F.R. 395.1(e)(1), (g) and (o) as adopted by K.A.R. 82-4-3a.”~~

~~(v) In paragraph (e)(2)(i), the phrase “part 383 of this subchapter” shall be deleted and replaced with “the Kansas uniform commercial drivers’ license act, found at K.S.A. 8-2-125 et seq. and amendments thereto.”~~

~~(vi) In paragraph (e)(2)(v)(D), the phrase “§ 395.8(j)(2)” shall be deleted and replaced with “49 C.F.R. 395.8(j)(2) as adopted by K.A.R. 82-4-3a.”~~

~~(F) In paragraph (f), the phrase “§ 395.3 (a) and (b)” shall be deleted and replaced by “49 C.F.R. 395.3 (a) and (b) as adopted by K.A.R. 82-4-3a.”~~

~~(G) The following revisions shall be made to paragraph (g):~~

~~(i)(iii) In paragraph (g)(1), the phrase “§§ 395.2 and 393.76 of this subchapter” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a and 49 C.F.R. 393.76 as adopted by K.A.R. 82-4-3i.”~~

(ii)(iv) In paragraph (g)(1)(i)(B), the phrase “§ 395.3(a)(3)(i)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3)(i) as adopted by K.A.R. 82-4-3a.” The phrase “, or, in the case of drivers in Alaska, the driving limit specified in § 395.1(h)(1)(i)-(ii),” shall be deleted.

(iii)(v) In paragraph (g)(1)(i)(C), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.” The phrase “, or in the case of drivers in Alaska, the period specified in § 395.1(h)(1)(ii),” shall be deleted.

(iv) In paragraph (g)(1)(i)(D), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(v)(vi) In paragraph (g)(1)(ii)(C), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.” The phrase “— or, for calculation of the 20-hour period in § 395.1(h)(1)(ii) for drivers in Alaska, all on-duty time—” shall be deleted.

(vi)(vii) In paragraph (g)(2), the phrase “§§ 395.2 and 393.76 of this subchapter” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a and 49 C.F.R. 393.76 as adopted by K.A.R. 82-4-3i.”

(vii) In paragraph (g)(2)(ii), the phrase “§ 395.3(a)(3)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3) as adopted by K.A.R. 82-4-3a.”

(viii) In paragraph (g)(2)(iii)(B), the phrase “paragraph (g)(2)(iii)(A) of this section” shall be deleted and replaced with “49 C.F.R. 395.1(g)(2)(iii)(A) as adopted by K.A.R. 82-4-3a.”

(ix) In paragraph (g)(2)(iv), the phrase “§ 395.3” shall be deleted and replaced with “49 C.F.R. 395.3 as adopted by K.A.R. 82-4-3a.”

~~(x)(viii)~~ In paragraph (g)(3), the phrase “~~§§ 395.2 and 393.76 of this subchapter~~” shall be deleted and replaced with “~~49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a and 49 C.F.R. 393.76 as adopted by K.A.R. 82-4-3i.~~”

~~(xi)~~ In paragraph (g)(3)(iv), the phrase “~~§ 395.5~~” shall be deleted and replaced with “~~49 C.F.R. 395.5 as adopted by K.A.R. 82-4-3a.~~”

~~(H)(ix)~~ 49 C.F.R. 395.1(h) shall be deleted.

~~(I)(x)~~ 49 C.F.R. 395.1(i) shall be deleted.

~~(J)(xi)~~ 49 C.F.R. 395.1(k) shall be deleted and replaced by the following: In paragraph (k), the phrase “each State” shall be deleted and replaced with “the state of Kansas.” The following shall be added after subparagraph (3): “(4) ‘Planting and harvesting seasons’ means the time periods for planting, growing, and harvesting that occur between January 1 and December 31.”

~~“(k)(1) The provisions of this regulation shall not apply to any of the following, during planting and harvesting seasons, as defined in this regulation:~~

~~“(A) Drivers transporting agricultural commodities from the source of the agricultural commodities to a location within a 150-air-mile radius from the source;~~

~~“(B) drivers transporting farm supplies from a wholesale or retail distribution point to a farm or other location where the farm supplies are intended to be used within a 150-air-mile radius from the distribution point; or~~

~~“(C) drivers transporting farm supplies from a wholesale distribution point to a retail distribution point within a 150-air-mile radius from the wholesale distribution point.~~

~~“(2) ‘Planting and harvesting seasons’ means the time periods for planting, growing, and harvesting that occur between January 1 and December 31.”~~

(K) In paragraph (n), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

(L) In paragraph (o), the phrase “§ 395.3(a)(2)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a.”

(M) In paragraph (o)(3), the phrase “§ 395.3(e)” shall be deleted and replaced with “49 C.F.R. 395.3(e) as adopted by K.A.R. 82-4-3a.”

(N) In paragraph (p), the phrase “§ 395.3(a)” shall be deleted and replaced with “49 C.F.R. 395.3(a) as adopted by K.A.R. 82-4-3a.”

(O) In paragraph (p)(3), the phrase “§ 395.3(a), and paragraphs (p)(1) and (2) of this section” shall be deleted and replaced with “49 C.F.R. 395.3(a) as adopted by K.A.R. 82-4-3a, and 49 C.F.R. 395.3(p)(1) and (2) as adopted by K.A.R. 82-4-3a.”

(P) The following revisions shall be made to paragraph (q):

(i)(xii) In paragraph (q), the phrase “49 CFR 397.5” shall be deleted and replaced with “49 C.F.R. 397.5 as adopted by K.A.R. 82-4-3k.”

(ii) The phrase “395.3(a)(3)(ii)” shall be deleted and replaced with “49 C.F.R. 395.3(a)(3)(ii) as adopted by K.A.R. 82-4-3a.”

(Q) In paragraph (r), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”

(xiii) In paragraph (s), the phrase “49 CFR 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

(xiv) In paragraph (x), the phrase “49 CFR 390.38(b)” shall be deleted and replaced with “49 C.F.R. 390.38(b) as adopted by K.A.R. 82-4-3f.”

(2)(B) The following revisions shall be made to 49 C.F.R. 395.2:

(A) The definition of “agricultural commodity” shall be deleted and replaced by the following: “‘Agricultural commodity’ means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including but not limited to wheat, corn, hay, milo, sorghum, sunflowers, soybeans, and livestock. Agricultural commodities shall not include honey, poultry products, and timber products.”

(B)(i) The definition of “farm supplies for agricultural purposes” shall be deleted and replaced by the following: “‘Farm supplies’ means supplies or equipment for use in the planting, growing, or harvesting of agricultural commodities and livestock feed.” In the definition of “farm supplies for agricultural purposes,” the phrase “each State” shall be deleted and replaced with “the state of Kansas.” The phrase “the State” shall be deleted and replaced with “the commission.”

(C)(ii) In paragraph (4)(i) of the definition of “on duty time,” the phrase “§ 397.5 of this subchapter” shall be deleted and replaced with “49 C.F.R. 397.5 as adopted by K.A.R. 82-4-3k.”

(D)(iii) In paragraph (7) of the definition of “on duty time,” the phrase “part 382 of this subchapter” shall be deleted and replaced with “49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c.”

(E)(iv) The definition of “signal employee” shall be deleted and replaced with the following: “‘Signal employee’ means an individual who is engaged in installing, repairing or maintaining signal systems.”

~~(F)~~(v) The definition of “sleeper berth” shall be deleted and replaced by the following:
“‘Sleeper berth’ means a berth conforming to the requirements of 49 C.F.R. 393.76, as adopted in K.A.R. 82-4-3i.”

~~(G)~~(vi) The phrase “found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section,” which appears in the definition of “transportation of construction materials and equipment,” shall be deleted and replaced by “requiring placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20.”

~~(3)~~(C) The following revisions shall be made to 49 C.F.R. 395.3:

(i) ~~In paragraph (a), the phrase “§ 395.1” shall be deleted and replaced with “49 C.F.R. 395.1 as adopted by K.A.R. 82-4-3a.”~~

(ii) Paragraph (c)(1) shall be deleted and replaced with the following: “Any period of 7 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.”

~~(iii)~~(ii) Paragraph (c)(2) shall be deleted and replaced with the following: “Any period of 8 consecutive days may end with the beginning of any off-duty period of 34 or more consecutive hours.”

~~(iv)~~(iii) Paragraph (d) shall be deleted.

~~(4) In the first sentence of 49 C.F.R. 395.5, the phrase “§ 395.1” shall be deleted and replaced with “49 C.F.R. 395.1 as adopted by K.A.R. 82-4-3a.”~~

~~(5) The following revisions shall be made to 49 C.F.R. 395.8:~~

~~(A) In paragraph (a), the phrase “paragraph (a)(1) or (2) of this section” shall be deleted and replaced with “49 C.F.R. 395.8(a)(1) or (2) as adopted by K.A.R. 82-4-3a.”~~

~~(B) 49 C.F.R. 395.8(a)(1) shall be deleted and replaced by the following: “Every driver who operates a commercial motor vehicle shall record his/her duty status, in duplicate, for each 24 hour period. The duty status time shall be recorded on a specified grid, as shown in 49 C.F.R. 395.8(g) as adopted by K.A.R. 82-4-3a. The grid and the requirements of 49 C.F.R. 395.8(d) as adopted by K.A.R. 82-4-3a may be combined with any company forms.”~~

~~(C)(D) 49 C.F.R. 395.8(a)(2) shall be deleted and replaced by the following: “Every driver operating a commercial motor vehicle equipped with an automatic on-board recording device meeting the requirements of 49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3a must record his or her duty status using the device installed in the vehicle. The requirements of 49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a shall not apply, except for 49 C.F.R. 395.8(e) as adopted by K.A.R. 82-4-3a and 49 C.F.R. 395.8(k)(1) and (2) as adopted by K.A.R. 82-4-3a.”~~ In paragraph (a)(1) of 49 C.F.R. 395.8, the phrase “§ 390.5” shall be deleted and replaced with “49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.”

~~(D) In paragraph (e), the phrase “of this section or § 395.15” shall be deleted and replaced with “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a or 49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3a.”~~

~~(E) In paragraph (g), the phrase “paragraph (d) of this section” shall be deleted and replaced with “49 C.F.R. 395.8(d) as adopted by K.A.R. 82-4-3a.”~~

~~(F) The following revisions shall be made to paragraph (h):~~

~~(i) In paragraph (h)(2), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”~~

~~(ii) In paragraph (h)(3), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”~~

~~(iii) In paragraph (h)(4), the phrase “§ 395.2” shall be deleted and replaced with “49 C.F.R. 395.2 as adopted by K.A.R. 82-4-3a.”~~

(E) In 49 C.F.R. 395.11(h)(2), the reference to “49 CFR part 381, subpart C” shall be deleted and replaced by “K.A.R. 82-4-3b.”

~~(6)(F)~~ The following revisions shall be made to 49 C.F.R. 395.13:

~~(A) The following revisions shall be made to paragraph (a):~~

(i) In paragraph (a), the phrase “every special agent of the Federal Motor Carrier Safety Administration (as defined in appendix B to this subchapter)” shall be deleted and replaced by “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who is certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

~~(ii) The phrase “paragraph (b) of this section” shall be deleted and replaced by “49 C.F.R. 395.13(b) as adopted by K.A.R. 82-4-3a.”~~

~~(B) In paragraph (b)(2), the phrase “§ 395.8 or § 395.15 of this part” shall be deleted and replaced by “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a or 49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3a.”~~

~~(C)(ii)~~ 49 C.F.R. 395.13(c)(2) shall be deleted and replaced by the following: “Within fifteen days following the date any driver is placed out of service, the motor carrier that employed the driver shall personally deliver or place in the U.S. mail to the state director of transportation and to the federal motor carrier safety administration a signed certification in a

form acceptable to the commission. Any signed certification acceptable to the commission shall include the following information:

“(i) All violations have been corrected;

“(ii) action has been taken to ensure compliance with 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, each as adopted by K.A.R. 82-4-3a; and

“(iii) the motor carrier understands that false certification can result in appropriate enforcement action.”

~~(D)~~(iii) 49 C.F.R. 395.13(d)(4) shall be deleted and replaced with the following: “49 C.F.R. 395.13 as adopted by K.A.R. 82-4-3a does not alter the hazardous materials requirements prescribed in 49 C.F.R. 397.5 as adopted by K.A.R. 82-4-3k pertaining to attendance and surveillance of commercial motor vehicles.”

~~(7)~~(G) The following revisions shall be made to 49 C.F.R. 395.15:

~~(A)~~ In the first sentence of paragraph (a)(1), the phrase “§ 395.8 of this part” shall be deleted and replaced with “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.”

~~(B)~~(i) In paragraph (b)(3), the phrase “§ 395.8(d) of this part” shall be deleted and replaced with “49 C.F.R. 395.8(d) as adopted by K.A.R. 82-4-3a.” The last sentence in 49 C.F.R. 395.15(b)(3) shall be deleted.

~~(C)~~(ii) In paragraph (i)(4), the term “FMCSA” shall be deleted and replaced by “commission.”

~~(D)~~(iii) In paragraph (j), the phrase “§ 395.8 of this part” shall be deleted and replaced with “49 C.F.R. 395.8 as adopted by K.A.R. 82-4-3a.” In paragraph (i)(7), the term “FMCSA” shall be deleted and replaced by “commission.”

(E) In paragraph (j)(2)(ii), the phrase “of this part” shall be deleted and replaced with “of 49 C.F.R. Part 395 as adopted by K.A.R. 82-4-3a.”

(F) In paragraph (j)(2)(iii), the phrase “in this section” shall be deleted and replaced with “in 49 C.F.R. 395.15 as adopted by K.A.R. 82-4-3a.”

(G)(iv) In paragraphs (j)(1), and (j)(2), and (j)(2)(i), the term “FMCSA” shall be deleted and replaced by “commission.”

(H) 49 C.F.R. 395.38 shall be deleted.

(2) As used in this regulation, each reference to a portion of 49 C.F.R. Part 395 shall mean that portion as adopted by reference in this regulation.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted.

(c) No wrecker or tow truck, as defined by K.S.A. 66-1329 and amendments thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less that is operating in intrastate commerce and is not either carrying 16 or more passengers, including the driver, or transporting materials required to be placarded shall be subject to this regulation. (Authorized by and implementing K.S.A. 2014 2017 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2014 2017 Supp. 66-1,129, as amended by 2015 SB 21, sec. 2; effective, T-82-12-16-03, Jan. 4, 2004; effective, T-82-4-27-04, May 3, 2004; effective, T-82-8-23-04, Aug. 31, 2004; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended, T-82-10-25-05, Nov. 1, 2005; amended Feb. 17, 2006; amended, T-82-3-21-06, March 21, 2006; amended June 30, 2006; amended Oct. 2, 2009; amended Oct. 22, 2010; amended Nov. 14, 2011;

amended Sept. 20, 2013; amended, T-82-4-14-15, April 14, 2015; amended July 31, 2015;

amended, T-_____, _____.)



ITEMS OF Consent Agenda

Approval Date: Thursday, December 14, 2017

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Audit of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility by the Kanas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A 2015 Supp. 66-2010(b) for KUSF Operating Year 19, Fiscal Year March 2015-February 2016 <i>Order on Petition for Reconsideration</i>	17-WSLC-019-KSF	
2	In the Matter of the Audit of Nex-Tech Wireless, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. . <i>Order Accepting and Adopting GVNW Consulting Inc.'s Audit Report and Closing Docket</i>	18-NTWZ-032-KSF	
3	In the Matter of Wilson Telephone Company Filing Tariff Revisions to Change Rates for Ethernet Transport Service. <i>Order Approving Tariff Revisions</i>	18-WLST-226-TAR	
4	In the Matter of Rural Telephone Service Company, Inc. dba Nex-Tech Filing Tariff Revisions <i>Order Approving Tariff Revisions</i>	18-RRLT-229-TAR	

Consent Agenda

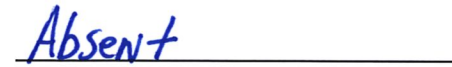
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Joint Petition of Rural Telephone Service Company, Inc. d/b/a/ Nex-Tech and Gorham Telephone Company for an Order Modifying the Boundaries of the Galatia and Gorham Local Exchange Areas <i>Amended Order Assessing Costs</i>	18-RRLT-236-CXB	
6	In the Matter of the Application of Atmos Energy for Approval of the Commission for Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204 <i>Order Granting CURB Intervention, Protective Order and Discovery Order</i>	18-ATMG-218-TAR	
7	In the Matter of the Investigation of AA Fishing Tool & Rental, LLC of Great Bend, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	18-TRAM-211-PEN	
8	In the Matter of the Investigation of Donald P. Raab, d/b/a DNR Enterprises of Abilene, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	18-TRAM-239-PEN	
9	In the Matter of the Investigation of Hugo B. De Jesus, d/b/a A & H Auto Repair of Manhattan, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	18-TRAM-240-PEN	
10	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Phinney #13 well located in the NE NE of Sec 30, T14S, R13W Russell County, Kansas. <i>Order Granting Application</i>	18-CONS-3131-CEXC	
11	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Brandenburg #3 well located in the C NW/4 SW/4 NE/4 of Sec 30, T14S, R14W Russell County, Kansas. <i>Order Granting Application</i>	18-CONS-3170-CEXC	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

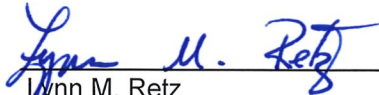
For the Commission :


Pat Apple, Chairman


Shari Feist Albrecht, Commissioner


Jay Scott Emler, Commissioner

Attest:


Lynn M. Retz
Secretary to the Commission